

JAN 19 2006

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

SHAMICA POINDEXTER,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

Civil Action No. 7:06-cv-00028

FINAL ORDER

By: Hon. Norman K. Moon
United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that petitioner's motion, styled as a motion to correct illegal sentence pursuant to 18 U.S.C. § 3742(a), Rule 52(b), and 28 U.S.C. § 244(a)(2)(A), is hereby **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255, and is **DISMISSED** as successive; and this action is hereby stricken from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to petitioner and to counsel of record for the respondent.

ENTER: This 19th day of January, 2006.

Norman C. Mau
United States District Judge